

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	2:12-CR-305-JCM-(PAL)
)	
AARON AGUIAR-GARCIA,)	
)	
Defendant.)	

PRELIMINARY ORDER OF FORFEITURE

This Court finds that on December 10, 2012, defendant AARON AGUIAR-GARCIA pled guilty to Count One of a One-Count Criminal Indictment charging him with Illegal Alien in Possession of a Firearm in violation of Title 18, United States Code, Section 922(g)(5)(A). Criminal Indictment, ECF No. 1; Change of Plea Minutes, ECF No. 17; Plea Memorandum, ECF No. 18.

This Court finds defendant AARON AGUIAR-GARCIA agreed to the forfeiture of the property set forth in Forfeiture Allegation of the Criminal Indictment and Plea Agreement. Criminal Indictment, ECF No. 1; Change of Plea Minutes, ECF No. 17; Plea Memorandum, ECF No. 18.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Forfeiture Allegation of the Criminal Indictment and the offense to which defendant AARON AGUIAR-GARCIA pled guilty.

The following assets are subject to forfeiture pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c):

...

- 1 1. Smith & Wesson .40 caliber semi-automatic handgun bearing serial number
- 2 SW30VE; and
- 3 2. any and all ammunition (“property”).

4 This Court finds the United States of America is now entitled to, and should, reduce the
5 aforementioned property to the possession of the United States of America.

6 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the
7 United States of America should seize the aforementioned property.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of
9 AARON AGUIAR-GARCIA in the aforementioned property is forfeited and is vested in the United
10 States of America and shall be safely held by the United States of America until further order of the
11 Court.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America
13 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture
14 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state
15 the time under the applicable statute when a petition contesting the forfeiture must be filed, and state
16 the name and contact information for the government attorney to be served with the petition,
17 pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed
19 with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101.

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
21 shall be served upon the Asset Forfeiture Attorney of the United States Attorney’s Office at the
22 following address at the time of filing:

23 MICHAEL A. HUMPHREYS
24 Assistant United States Attorney
25 Daniel D. HOLLINGSWORTH
26 Assistant United States Attorney
 Lloyd D. George United States Courthouse
 333 Las Vegas Boulevard South, Suite 5000
 Las Vegas, Nevada 89101.

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
2 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
3 following publication of notice of seizure and intent to administratively forfeit the above-described
4 property.

5 DATED January 16, 2013.

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9 UNITED STATES DISTRICT JUDGE
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PROOF OF SERVICE

I, Heidi L. Skillin, Data Analyst, certify that the following individuals were served with copies of the Preliminary Order of Forfeiture on January 10, 2013 by the below identified method of service:

Electronic Filing
Raquel Lazo
Federal Public Defender
411 E. Bonneville Avenue, Suite 250
Las Vegas, NV 89101
Raquel_Lazo@fd.org
Counsel for Aaron Aguiar-Garcia

/s/HeidiLSkillin
HEIDI L. SKILLIN
Forfeiture Support Associate Data Analyst